

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

JUNE 23, 2008

KENDALL-DEAN SCHOOL

7:00 P.M.

GOOD & WELFARE

School Enrollment

Mr. Leo Defond had concerns there are a number of children attending North Smithfield schools who do not belong there.

Registration of Town Vehicles

Mr. Defond questioned if police department and fire department vehicles are registered.

Conservation Commission Member

Mr. Donald Gagnon informed the Council that Conservation Commission Member Tim Kurkowski underwent surgery today.

Parliamentary Procedures

Mrs. Claire O'Hara commented that parliamentary procedure should be followed at all times. If people are not respectful, they should be asked to leave a meeting.

Commercial Signs

Mr. Ernest Alter stated he has contacted the Department of Public Works on numerous occasions over the past six months about removing commercial signs from telephone poles. He has received

no response.

School Department

Mr. Alter stated the School Committee has failed to make a budget. The town needs to monitor the middle school and to obtain substantial savings with the upcoming teacher contracts. He also suggested the town investigate the charter school option.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Town Solicitor Hadden were also in attendance.

PUBLIC HEARING FISCAL YEAR 08/09 BUDGET

Several residents spoke of the excellent music program in the schools as well as keeping the third grade class at NSES and asked the Council to keep funding for both in the budget.

Mr. Brian Newberry spoke about the impact the sale of Homestead Gardens to the town could have on the tax base.

Superintendent of Schools Stephen Lindberg provided a document to the Council reflecting which programs would be restored or eliminated depending on the school department funding. He hoped for some type of a compromise so that a third grade teacher could be

left at NSES. The

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document also included alternative methods of funding the \$474,000 shortfall.

Mr. Lindberg notified the Council there is pending litigation through the Northern Rhode Island Collaborative that may affect both the school department and the town financially.

The Council and the School Committee agreed to meet in executive session on June 26, 2008 at 5:00 P.M.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue the public hearing on the budget to June 30, 2008 at 7:00 P.M.

MOTION by Mr. Keeley, seconded by Mr. Lovett, and voted unanimously on an aye vote to take a five-minute recess at 7:59 P.M.

The meeting reconvened at 8:07 P.M.

BRANCH VILLAGE BUILDOUT ANALYSIS

Branch River Revitalization Task Force Chairman John Flaherty explained that Pare Corporation was hired to develop a buildout

model to project impacts to the town. The task force has been working with Pare to craft a recommendation that would illustrate a maximum buildout scenario. Mr. Flaherty noted the task force has been working with the Ordinance Review Committee to develop a zoning ordinance to allow implementation of this plan.

The Pare Corporation gave a slide show presentation. Their goal is to recreate the Branch Village area as a growth center.

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously to enter into executive session at 9:00 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Narragansett Improvement Co. and Abbey Road/K. Dulude.

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 9:32 P.M. and to seal the minutes. Two votes were taken, one to retain Assistant Town Solicitor Robert Rossi to defend the town and the Zoning Board of Appeals regarding a new Narragansett Improvement Company lawsuit and the second to retain Town Solicitor Mark Hadden at his regular rate of \$150.00 per hour to defend the town against declaratory judgement from Abbey Road/Keith Dulude against the town of North Smithfield.

MINUTES

MOTION by Mr. Lovett and seconded by Mr. Leclerc to approve the minutes of May 19, 2008.

Mr. Zwolenski asked that minutes on page 240 under LIZ Development be corrected to read “the Town Council would support action taken by the Planning Board if they chose to pursue legal proceedings”.

The MOTION was amended by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to include Mr. Zwolenski’s correction.

PAYMENT OF BILLS

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve payment of the following: General Fund - \$356,343.18 and Sewer - \$11,067.86 for a total of \$367,411.04.

MIDDLE SCHOOL CONSTRUCTION

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve payment of Requisition #22 Job #4178 in the amount of \$2,557,025.98 and Requisition #10-F Job #4178010 in the amount of \$245,022.58 for a total of \$2,802,048.56 to Gilbane Building Company based upon the recommendations of the Finance Director and the School Building Committee.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve payment of Invoice #32680 in the amount

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of \$432.76 and Invoice #32761 in the amount of \$696.44 for a total of \$1,129.20 to Joseph Reale, Jr. based upon the recommendations of the Finance Director and the School Building Committee.

DEBT SERVICE TAX CAP

Mrs. Gemma explained that the town had requested from the Department of Revenue, Office of Municipal Affairs an exception to exceed the property tax cap of five percent for the debt service portion of the middle school. She provided a letter from the Department of Revenue accepting the request.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a tax cap of five percent of debt service for an amount of \$1,968,135.00 based upon the approval of the Department of Revenue.

RHODE ISLAND WARN AGREEMENT

Mr. Lowe presented an agreement for water/wastewater mutual aid between several northern Rhode Island towns.

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on an aye vote to authorize the Town Administrator to sign the Rhode Island WARN Agreement entered into by public and private Water and Wastewater Utilities.

WOONSOCKET HILL ROAD FIRE TOWER

Mr. Lowe put together a commission several months ago to coordinate communication centers in town. The Rhode Island Emergency Management Agency asked if they could use the Woonsocket Hill Road/Mowry Tower in its attempt to further its signal coverage of the State's RISCO system. They are willing to build a double building below the tower to house the communications from the top of the tower. They would place the RI Emergency Center on the other side, maintain the tower and supply the town with numerous pieces of equipment, including (1) 25 kw generator, (30) 800 MHZ Portable Radios, (2) 800 MHZ Base Station Radios, Video, Audio and Lighting Security, Access road repair and tower repair such as roof shingles, window caulking and paint. In return the town will be responsible for the electrical costs.

Mr. Zwolenski was concerned with an antenna interfering with residential property.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept the Memorandum of Agreement and Site License between the State of Rhode Island,

Office of the Adjutant General, the RI Emergency Management Agency and the Town of North Smithfield with the stipulation that language be included to cover residential properties as well as commercial or educational.

MIDDLE SCHOOL CONSTRUCTION

Design/Builder's Contingency

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve the following changes based upon the recommendations of the School Building Committee and the Finance Director: add emergency shutoffs in the science labs per RIDE requirements - \$21,654.00; addition of 25 bollards per National Grid guidelines - \$10,998.00; electrical feeder revisions required - \$23,935.00; and for fire pump house extension to the north end of the football field - \$89,564.00.

Owner's Contingency

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve the following changes based upon the recommendations of the School Building Committee and the Finance Director: add back the acid neutralizing system - \$14,749.00; and emergency work to a damaged underground electrical line for the high school's well - \$27,454.00. Credit to the Owner's Contingency is \$6,800.00 for the deletion of toilet paper and paper towel dispensers and soap dispensers that will be supplied by the School's vendor at no cost.

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Reduction in Retainage

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote that retainage for Costa Bros. Masonry, Inc. and Century Drywall, Inc. be reduced from 10% to 5% based upon the recommendations of the School Building Committee and the Finance Director.

Permit Fees Paid

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on an aye vote to table this discussion to the July 21, 2008 meeting.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to authorize the Town Administrator to sign Change Orders #15 and #16 and Budget Expenditure Authorizations #7 and #8.

NEW ELEMENTARY SCHOOL REFERENDUM

School Committee Member Paul Vadenais reiterated that the \$9 million reimbursement from the state is guaranteed until June, 2009. The Rhode Island Department of Education (RIDE) needs a

commitment that the question will be on a ballot prior to that time.

Mr. Lowe was in favor of placing the question on a ballot if there is a revenue source. The next four or five months could be crucial in making that determination.

Mr. Lovett stated he was not in favor of approving a referendum. He represents taxpayers who cannot afford to pay for another school.

Mrs. Thibault supports putting the question to the voters but not in November. She is not in favor of throwing good money after bad in repairing Halliwell School.

Mr. Michael Rapko is unwilling to vote for another new school until the existing teacher contract is changed. The town cannot afford it. Eighty-one to eighty-two percent of education costs are tied up in salaries and benefits.

Mr. Zwolenski commented that revenue from Dowling Village keeps being discussed and he believes Dowling Village will not support a new school; in fact, it will cost the town money.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote at 10:45 P.M. to extend the curfew to 11:15 P.M.

Mr. Keeley was in favor of allowing residents to vote. Options should be kept open.

Mr. Leclerc said the Master Plan should be reviewed. There is not a need for a new school because of growth in numbers of students but because of the condition of Halliwell School. He is not in favor of moving forward with a referendum question.

MOTION by Mr. Lovett and seconded by Mr. Leclerc to table the request to consider approval from the legislature for a referendum vote on a new elementary school with no further discussion on it. Roll call: Mr. Keeley – no; Mr. Leclerc – yes; Mr. Lovett – yes; Mr. Zwolenski – no; Mrs. Thibault – no. The motion failed 3 to 2.

MOTION by Mr. Keeley and seconded by Mr. Zwolenski to request approval from the General Assembly for a referendum question regarding a new elementary school to be placed on a ballot before June 2009. Roll call: Mr. Keeley – yes; Mr. Leclerc – no; Mr. Lovett – no; Mr. Zwolenski – yes; Mrs. Thibault – yes. The motion carried 3 to 2.

ACCEPTANCE OF NEW MIDDLE SCHOOL

Mr. Vadenais explained that in the past housing aid was applied when a building was substantially complete. The Department of Education has changed the rules by stating that a new school is now considered complete when it is occupied, which is September, which means that

the town's state aid wouldn't come until next July. The town would have to come up with \$600,000 this year. The exception to that would be if the School Committee accepts the building which they cannot do until the town accepts it.

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MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on an aye vote to accept the new middle school based upon the recommendation of the School Building Committee. This acceptance in no way abrogates or alters in any way, the rights of the Town of North Smithfield with respect to completion of the project in accordance with AIA Document A141-2004 Standard Form of Agreement between Owner and Design Builder, Amendments and Change Orders to said contract, all executed by Gilbane Building Company and the Town of North Smithfield.

RESIGNATION FROM PLANNING BOARD – J. O'DONNELL

MOTION by Mr. Lovett, seconded by Mr. Keeley and Mr. Zwolenski, and voted unanimously on an aye vote to accept the resignation of John O'Donnell from the Planning Board and to send him a letter of appreciation.

CONSERVATION COMMISSION MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept the minutes of March 11 and April 15, 2008.

INDUSTRIAL DEVELOPMENT COMMISSION

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept the minutes of May 7 and June 9, 2008.

PERSONNEL BOARD MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept the minutes of January 28 and February 25, 2008.

PLANNING BOARD MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept the minutes of April 3 and May 1, 2008.

CHERRY BROOK

Mr. Phillips received four bids for the Cherry Brook hydraulics/flood study ranging from \$34,000 to \$64,000. He is in the process of reviewing them against the RFP and will have a recommendation for the Council at the next meeting.

OUTDOOR SOUND SYSTEM PERMIT – J. AND C. HALL

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move this item up on the agenda.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to grant an outdoor sound system permit to Jeffrey and Catherine Hall of 1445 Providence Pike for July 26, 2008 from 4:00 P.M. to 7:00 P.M.

LIZ DEVELOPMENT

Mr. Phillips stated that at the last Planning Board meeting, the members discussed the Council's recommendation of taking the bond. On advice of counsel, Mr. Mesolella was given an opportunity to address the board. Mr. Mesolella did appear and the Planning Board ultimately voted to give him until June 26th to show that he is making strides toward completing the work. They wanted to see that he has engaged an engineer who is actively working on the project. Mr. Mesolella provided copies of letters he sent to his engineer and surveyor.

Mr. Leclerc questioned what would be the recourse when nothing gets done again.

Mr. Phillips stated at that point action would be taken against the bond.

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote at 11:15 P.M. to extend the curfew for ten minutes.

APPOINTMENTS TO HISTORIC DISTRICT COMMISSION

There were no appointments at this time.

APPOINTMENT TO SEWER COMMISSION

There was no appointment at this time.

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OUTDOOR SOUND SYSTEM PERMIT – V.F.W.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve the request for an outdoor sound system for the V.F.W. for Friday, July 25, 2008, Saturday nights from 6:00 P.M. to 11:00 P.M. and Sundays until 6:00 P.M. until October 4, 2008.

COMMUNICATIONS

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on an aye vote to accept and place on file the following: A.) Animal Control Monthly Report for May 2008; B.) NSF&RS Monthly Incident Reports for April and May 2008; and C.) Resolutions Re: the USS Saratoga Museum from the towns of North Kingstown and Charlestown.

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on an aye vote to adjourn at 11:28 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk